

diseases, and in the treatment of lowered vitality, headache, nervousness, irritability, eye trouble, and retarded growth; that it would stimulate the appetite and improve the digestion of carbohydrates and fats; that it would prevent abnormal changes in the eyes and failing vision; that it would be of value for prospective or nursing mothers; and that it would give the user zest and body vigor and be efficacious in building red blood cells and replacing worn-out cells. The article would not be efficacious for the purposes recommended or accomplish the results claimed.

The articles were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On January 25, 1944, the defendant having entered a plea of guilty, the court imposed a total fine of \$225 and costs, the fine on the counts charging violation of the drug sections of the Act amounting to \$75.

1120. Misbranding of Einik's Red Ointment and Einik's Root. U. S. v. Zenon Anthony Einik (Z. A. Einik Ointment Co.). Plea of guilty. Fine, \$20. (F. D. C. No. 9691. Sample Nos. 22552-F, 22553-F.)

On September 21, 1943, the United States attorney for the District of Connecticut filed an information against Zenon Anthony Einik, trading as the Z. A. Einik Ointment Co., Union City, Conn., alleging shipment on or about September 9, 1942, from the State of Connecticut into the State of Pennsylvania of quantities of the above-named products which were misbranded.

Analysis of the Red Ointment disclosed that it consisted of a mixture of creosote, capsicum, peppermint oil, and methyl salicylate in a base probably chiefly petrolatum.

The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be efficacious in the treatment of rheumatic and neuralgic pains and aches; that it would relieve local congestion and throat irritation; that it would be efficacious in the treatment of mild cases of lumbago, colds in the chest, aches and rheumatic pains in the back and joints, colds, catarrh, rheumatism, pain in the back, stitch in the sides, severe pains in the chest and joints; and tonsillitis; that 1 hour after application pain would stop; that the article would be efficacious in the treatment of kidney pains and rheumatic pains due to dampness and colds, and in the treatment of headache, coughs, or distresses of the chest due to cold and local congestion, sore throat, aches in the hands and feet, and soreness of the gums and teeth; that it would be an appeasing medium for all ailments; that it would facilitate the circulation of the blood to various parts of the body; that its use would preserve health; that it was an efficacious treatment for catarrh of the nose, and headaches due to cold, and cold during female periods; that it would reawaken the circulation, thus causing pains to disappear almost immediately; that it would be efficacious in the treatment of bronchitis, croup, asthma, aches and pains due to accident and low vitality, sprains in the joints and muscles, pleurisy, and frosted hands and feet; that it would be a protection against pneumonia and pains in general, and would provide relief and a speedy cure for rheumatism, lumbago, sore throat, pain in the chest, shoulders and throat, neuralgia, pains of any kind in the back, and sprains in the joints and muscles; and that it possessed the curative properties indicated by the expression on the display carton: "A Friend of Suffering Humanity." It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents, since the label on the boxes containing the article bore the statement "Net Wt. 1 Oz.," whereas the boxes contained less than 1 ounce net.

Analysis of Einik's Root disclosed that it was granulated Canadian stone root of usual appearance. It was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be efficacious as a tonic and stimulant for simple debility or asthenia; that it would help tone up the system and aid in the better flow of digestive juices; that it would be efficacious against weakening of the system and energy; that it would be efficacious in the treatment of catarrh of the chest and weakening of the bladder from overwork; and that it would be efficacious as a solvent for the blood and as a treatment for rheumatism.

On September 27, 1943, the defendant entered a plea of guilty and the court imposed a fine of \$10 on each count, a total of \$20.